



# CALIFORNIA FARM BUREAU FEDERATION

## NATIONAL AFFAIRS & RESEARCH DIVISION

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U.S. Department of Agriculture  
Regulatory Analysis and Development, PPD, APHIS  
Station 3C71, 4700 River Road Unit 118  
Riverdale, MD 20737-1238

RE: Docket 05-015-1  
National Animal Identification System; Draft Strategic Plan and Draft Program Standards

The California Farm Bureau Federation (CFBF) in representing more than 35,000 farm families appreciates this opportunity to comment on the U.S. Department of Agriculture (USDA) Draft Strategic Plan and Draft Program Standards of the proposed National Animal Identification System (NAIS). We applaud the agency's objective to trace movements of diseased and exposed animals within 48 hours of the discovery of a disease outbreak. Because the ultimate goal is disease eradication, a traceback mechanism that helps contain disease spread and ensures greater protection of the health of unexposed farm animals is laudable and supportable.

With a membership that represents species from aquaculture to cattle, sheep, swine, goats, equine, and poultry, Farm Bureau is challenged to provide substantive "one size fits all" input. These industries are sufficiently different from one another to present unique challenges to overcome to achieve a meaningful national identification system under any timeline, but particularly under the ambitious timeline for a mandatory program proposed with so many key issues left unresolved.

The Draft Strategic Plan accurately summarizes the four key stakeholder concerns: the cost of the program, the confidentiality of data collected, the flexibility to make use of existing identification systems and to use NAIS for other producer-driven purposes, and the producers' liability from participation. The legislative and regulatory responses to these concerns will largely dictate the position of our organization on the specifics of the NAIS beyond our current, general support for a national system to control and eradicate disease.

It is imperative that any attempt to mandate the NAIS for the domestic agricultural industry simultaneously capture imported animals in parallel fashion—all imported animals should be permanently identified regarding their country of origin upon entry into the U.S.

### USDA's Questions

#### **1. Is a mandatory identification program necessary to achieve a successful animal disease surveillance, monitoring, and response system to support Federal animal health programs?**

Currently, CFBF supports a voluntary program. USDA, in cooperation with the affected industries, should explore options for achieving "critical mass" participation, such as supplying a million free identification tags to producers.

Even under a voluntary scheme, consideration must be given to the necessity of having to enact certain regulations to ensure the integrity of the program, such as allowing only approved identification devices and prohibiting the removal of identification except by specified parties.

To provide some perspective, it would be helpful to examine what other countries have done to implement a national identification program. For example, Australia began its program under a phased, voluntary arrangement; they started with a single species, cattle, and later implemented the identification system on a mandatory basis for part of the country at a time. We believe that monitoring their progress and that of others will benefit the NAIS by helping to ensure we are aware of pitfalls and steps to avoid them.

We are not convinced that a mandatory system is necessary for all species in the proposal, much less for all species and all three NAIS components (i.e., premises registration, animal identification, animal tracking) by the January 2009 milestone.

The enforcement aspect of the NAIS is a huge undertaking. The resources to accomplish the NAIS are significant. The State of California has a massive debt with essentially no discretionary funds available to augment the California Department of Food and Agriculture's role in delivering the identification program at the state level. Sufficient annual federal funding to accomplish the task is not guaranteed. Unfunded mandates don't equal successful public policy. Thus, reality dictates on at least a national basis that the NAIS may need to focus on implementing identification in one species at a time, especially if the program were to become mandatory by the January 2008 timeline milestone. Any argument for federal funding is easier to make when there is proof that the system works; that task may be simplest to accomplish by focusing on a single species and which is associated with 1. High-risk premises, 2. High-risk animals, and 3. High-risk movements of animals.

To that end, we support excluding aquaculture from the NAIS until such time that the program is working effectively for other commodity sectors. The industry remains skeptical as to any pressing need for the NAIS to include aquaculture under any timeline. In California, the California Department of Fish and Game already regulates the industry with a facility identification number. At the federal level, Food and Drug Administration regulations already require Hazard Analysis and Critical Control Point plans for seafood processors and that those plans include traceback provisions. Furthermore, since disease transmission between cultured and wild stocks of fish is a resource agency's responsibility, this fact must be accounted for and dealt with if aquaculture is ever included in the NAIS.

We do not have a comfort level with the proposed timeline for the overall mandatory NAIS for another reason. There are multiple NAIS pilot projects currently underway that are far from complete. Therefore, we lack feedback on how well any of these projects is working for us to formulate informed opinion to comment substantively on either the Draft Strategic Plan or Draft Program Standards.

The Southwest Animal and Premises Identification and Tracking Project, which involves dairy and dairy-beef movements, is ahead of other NAIS projects and yet it is premature to formally share with industry stakeholders much information from even this one project. The pilot projects should help us better understand what works and what doesn't, including with the technology, before a formal NAIS is underway. If the state of the technology is incapable of meeting the demand expected of it, what good is the NAIS?

We support determining performance standards, such as those outlined on page 27 of the Draft Program Standards, and approving compliant devices before a voluntary program begins. We wonder whether the use of a mixed system of HDX (longer distance reading capability) and FDX (shorter distance reading capability) complicates and diminishes the overall performance of the program; we encourage an evaluation of this. Performance standards for data transfer should be developed as well.

**2. At what point and how should compliance be ensured? For example, should market managers, fair managers, etc., be responsible for ensuring compliance with this requirement before animals are unloaded at their facility or event?**

The process needs to be as simple as possible for the producer to participate.

The owner (or legal agent thereof) of the animal from the original premises should be responsible for ensuring the necessary identification of the animal prior to completing its movement; this is the most sensible approach. If the owner (i.e., seller) wishes to report movement data to ensure that it has been reported, this should be allowed but not required.

The recipient (e.g., buyer, fair manager) of the animal should be responsible for meeting the movement reporting requirements.

**3. Is it a viable option to have markets or other locations successfully provide a tagging service to producers who are unable to tag their cattle at their farms?**

To the extent that a tagging service at least pays for itself (such as via fee-for-service), it seems logical that persons unable to tag their own animals at their premises would make use of a facility equipped with all the necessary identification technology and at a convenient location associated with the handling of cattle. Similarly, this option should be considered for other species as well, such as sheep, goats, and equines.

There needs to be strict control on the guidelines of this arrangement to protect the integrity of the identification system. For example, an animal discovered at a sales yard missing a tag should be re-tagged with the yard's tag, not with one supplied to the yard by the original owner.

**4. In what manner should compliance with the identification and movement reporting requirements be achieved? Who should be responsible for meeting these requirements? How can these types of transactions be inputted into the NAIS to obtain the necessary information in the least costly, most efficient manner?**

As stated under question 2 above, the owner of the animal from the original premises should be responsible for ensuring the necessary identification of the animal prior to completing its movement. We await feedback from the NAIS pilot projects to gain a better idea as to how to achieve compliance with movement reporting requirements.

Electronic input of identification and movement transactions would be the least costly and most efficient manner of recording data into the NAIS.

**5. Is the recommendation that animals be identified prior to entering commerce or being commingled with animals from other premises adequate to achieve timely traceback capabilities to support animal health programs or should a timeframe (age limit) for identifying the animals be considered?**

Yes, the recommendation that animals be identified prior to entering commerce or being commingled with animals from other premises is adequate.

The NAIS should not require identification of animals that remain on their premises of origin and which neither move in commerce nor commingle with animals from other premises. Such animals are at risk for disease transmission within the facility. The owner's internal recordkeeping system should be sufficient for capturing any information necessary for dealing with a disease outbreak on that premises.

**6. Are the timelines for implementing the NAIS, as discussed in the Draft Strategic Plan, realistic, too aggressive (i.e., allow too little time), or not aggressive enough (i.e., do not ensure that the NAIS will be implemented in a timely manner)?**

The timelines are too aggressive given the number of unresolved issues relative to cost (and cost-sharing), confidentiality of data collected, liability, available technology, and the incomplete status of pilot projects. We need to study the results of various pilot projects to formulate a better understanding of what may be achievable under the NAIS.

**7. Should requirements for all species be implemented within the same timelines, or should some flexibility be allowed?**

Flexibility should be allowed. As we stated above, NAIS should focus on high-risk premises, high-risk animals, and high-risk movements of animals.

**8. What are the most cost-effective and efficient ways for submitting information to the database (entered via the Internet, file transfer from a herd-management computer system, mail, phone, third-party submission of data)? Does the type of entity (e.g., producer, market, slaughterhouse), the size of the entity, or other factors make some methods for information submission more or less practical, costly, or efficient?**

Electronic methods of submitting information are the most efficient and cost effective for most stakeholders. Smaller-scale entities (e.g., "hobby"-type operations) may lack such technology and thus other means of reporting should be accommodated but limited to diminish the likelihood of data input errors.

**9. Given the information identified in the draft documents, what specific information do you believe should be protected from disclosure and why?**

Information that is already in the public domain—such as in a telephone book—may not need to be protected from disclosure. We are, however, still concerned that even that type of information compiled into a central database could present challenges to the industry upon its disclosure depending on who uses it and for what purpose. Recent reports of the unintended release of credit card numbers from a payment processing center remind us that "security" of confidential information in a database is a relative concept.

Proprietary information that is otherwise not in the public domain, such as how many animals from a particular premises are being sold and through which marketing channel, should be protected from disclosure.

**10. How could USDA best minimize the burden associated with the requirements that States, producers, and other participants provide information and develop and maintain**

**records? For example, should both the seller and the buyer of a specific group of animals report the movement of the animals, or is reporting by one party adequate?**

Only one party should be required to provide the information, but others involved in the transaction should be allowed to submit the information if s/he so chooses.

In closing, we all need to be patient enough to let the NAIS pilot projects progress further so that meaningful results are obtained and reported to stakeholders to help guide our ongoing input on all the above questions and others relative to the NAIS structure; additionally, where appropriate, USDA needs to ensure that current pilot projects get the additional federal funding necessary to complete project objectives and satisfy various other data gaps.

We encourage USDA and the state-level equivalent agencies to continue providing a forum for stakeholders to remain engaged in the development of the NAIS through meetings, hearings, and other public comment avenues.

The NAIS should be incentive-based to encourage the greatest cooperation, participation, and effectiveness possible. Non-compliance with either a voluntary or mandatory program (e.g., unapproved removal of identification) needs thorough discussion. We are interested in learning the experiences and approaches of other countries in these regards and encourage the active exchange of this information among all stakeholders. Lastly, the regulations underpinning the NAIS should provide for a review of the program's effectiveness and progress. If the program does not successfully trace back and forward to contain disease spread, it should be deregulated.

Thank you for this opportunity to enter these comments into the public record.

Sincerely,

AnnMaria de Grassi  
Director